

**REMARKS**

In the parent application Ser. No. 09/929,213 filed August 14, 2001, a Final Office Action dated June 2, 2005, rejected claims 1-7, 9-22 and 24-30 under 35 U.S.C. § 103(a) (Office Action, pages 2-3). The present continuing application has been filed to further prosecute claims 1-7, 9-22 and 24-30. Thus, the instant Preliminary Amendment will address the rejections from the parent application's Final Office Action.

**A. 35 U.S.C. § 103(a)**

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).  
Rozbicki- Claims 1-7 and 9-13

Claims 1-7 and 9-13 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Rozbicki in view of Applicants admission of prior art (Office Action, page 2). The Office relies on Rozbicki for a teaching of a seed layer disposed on a barrier layer and forming a passivation layer over the seed layer. However, Rozbicki does not teach the limitations of exposing the seed layer to a gas for a first specified period of time, and cooling the gas at a specified temperature for a second specified period of time to form the passivation layer, as recited in amended claim 1.

The Office contends that it would have been obvious for one skilled in the art to have modified the step of forming the passivation layer to use well known temperatures and

concentrations, as well as time of exposure and pressure of gases, since these variables are dependent on temperature and concentration. (Office Action, page 8.) However, "the fact that the claimed invention is within the capabilities of one skilled in the art is not sufficient by itself to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references" (MPEP § 2143.01).

Neither the admissions of prior art nor Rozbicki suggest or motivate exposing the seed layer to a gas for a first specified period of time, and cooling the gas at a specified temperature for a second specified period of time to form the passivation layer, as recited in amended claim 1. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir.1990) (see MPEP § 2143.01). The mere fact that the time of exposure may be hypothetically dependent on temperature and concentration (to which Applicants do not concede) is not enough to render claim 1 as obvious under Rozbicki in view of prior art admissions, since neither Rozbicki nor the admissions suggest or motivate the limitations of claim 1.

Because dependent claims 2-7, and 9-13 depend from claim 1, it is respectfully submitted that claims 1-7 and 9-13 are not anticipated by Rozbicki in view of admitted prior art. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 1-7 and 9-13 are respectfully requested.

Rozbicki in view of Liu- Claims 14, 20 and 21

Claims 14, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rozbicki over admitted prior art in view of Liu.

However, "to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In *re Royka*, 490 F.2d 981,180 USPQ 580 (CCPA 1974). With respect to claims 14, 20 and 21, these claims depend from claim 1 which is not anticipated by Rozbicki in view of admitted prior art as described previously herein. Rozbicki, neither alone nor in combination with Liu in view of admitted prior art teaches or suggests all of the limitations of the claim 1, from which claims 14, 20 and 21 depend. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 14, 20 and 21 is respectfully requested.

Rozbicki in view Liu in further view of Nogami - Claims 15, 17 and 19

Claims 15, 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rozbicki in view of Liu and further in view of Nogami. However, since Rozbicki, either alone or in combination with admitted prior art, Liu and Nogami, does not teach or suggests all of the limitations of the claim 1, claims 15, 17 and 19 are not rendered obvious by Rozbicki in view of in view of admitted prior art, Liu and Nogami. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 15, 17 and 19 is respectfully requested.

Rozbicki in view of Liu, Nogami and Acuthan- Claims 16 and 18

Claims 16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rozbicki in view of admitted prior art Liu, Nogami and the Acuthan. Since Rozbicki, either alone or in combination with in view of admitted prior art, Liu, Nogami and Acuthan, teach or suggests all of the limitations of claim1, claims 16 and 18 are not rendered obvious by Rozbicki in view of admitted prior art Liu, Nogami and Acuthan. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 16 and 18 is respectfully requested.

Liu in view of Rozbicki- Claims 22, 28 and 30

Regarding claim 22, the Office contends that it would have been obvious to modify Liu with the teachings of Rozbicki, since Rozbicki teaches that annealing is a conventional step of removing the passivation layer. However, claim 28 discloses annealing and depositing the in the same plating tool. Rozbicki teaches that the substrate is transferred to a different plating system for deposition.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Regarding claim 28 (from which claim 30 depends), claim 28 claims a system comprising a seed anneal chamber coupled to a plating chamber. Since neither Rozbicki nor Liu, either alone or in combination, teach or suggest annealing (as described previously Liu teaches plasma cleaning, not annealing) and depositing in the same tool, claims 22, 28 and 30 are not rendered obvious by Rozbicki in view of Liu. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 22, 28 and 30 is respectfully requested.

Liu in view of Rozbicki, Nogami and Cohen-Claims 23, 24 26 and 29

As described above, claims 22 and 28 (from which claims 23, 24, 26 and 29 depend respectively), are not rendered obvious by Lui in view of Rozbicki. Since Rozbicki, Lui, Cohen nor Nogami teach or suggest annealing and depositing in the same tool, claims 23, 24, 26 and 29 are not rendered obvious by Lui in view of Rozbicki, Cohen or Nogami. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 23, 24, 26 and 29 is respectfully requested.

Liu in view of Rozbicki, Acuthan-Claims 25 and 27

As described above, claims 22 and 28 (from which claims 25 and 27 depend), are not rendered obvious by Lui in view of Rozbicki. Since Rozbicki, Lui, nor Acuthen teach or suggest annealing and depositing in the same tool, claims 25 and 27 are not rendered obvious by Lui in view of Rozbicki and Acuthan. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 25 and 27 is respectfully requested.

In view of the foregoing remarks, the Applicants request allowance of the application. Please forward further communications to the address of record. If the Examiner needs to contact the below-signed Attorney to further the prosecution of the application, the contact number is (503) 264-0944.

Respectfully submitted,

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